

REMARKS

Applicants thank the Examiner for the Office Action of February 16, 2010. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Applicants thank the Examiner for the indication of allowable subject matter for claims 13, 15, and 19, and have amended claims 15 and 19 to recite them in independent form. Applicants have introduced new claim 21 directed to a particular aspect of the tank disclosed in the Specification. Claims 11-21 are pending in this application.

Claim Rejections Under 35 U.S.C. § 103:

Claims 11, 12, 14, 16-18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ettlinger (USPN 6,595,382) in view of Immel, et al. (US Pub. 2004/0195246). Applicants respectfully traverse because Ettlinger and Immel fail to disclose, teach or suggest all of the limitations of the claims and/or the combination of Ettlinger and Immel teachings would not have resulted in the claimed subject matter.

Claim 11 recites a cryogenic fluid tank comprising an inner casing arranged in an outer casing with a vacuum insulation space in between. The casings having a flattened general configuration. The tank comprises at least one tubular structure which connects two main faces of the inner casing and in which there extends at least one rigid linking element connecting the two main faces of the outer casing, and at least two flexible linking elements respectively connecting a main face of the outer casing and a main face of the inner casing.

As stated by the examiner, Ettlinger discloses an **inner casing 2** arranged in an **outer casing 1** with a vacuum insulation space in between. Ettlinger fails to disclose at least two flexible linking elements respectively **connecting a main face of the outer casing and a main face of the inner casing**.

Applicants assert that Immel does not disclose, teach or suggest this missing limitation.

Immel discloses a similar container with an **inner casing 22** arranged in an **outer casing 28** with a vacuum insulation space in between. Immel also discloses suspension of an inner tank 22 from a **frame 26** via suspension members 50. Notably, Immel does not disclose suspension of the inner tank 22 from the outer tank 28, but rather from the **frame 26**. Thus, Immel does not teach what the claimed subject matter requires, namely: at least two flexible linking elements respectively connecting a main face of the outer casing and a main face of the inner casing.

Assuming hypothetically that the skilled artisan would have been motivated to incorporate the teaching of Immel's suspension members into the storage container of Ettlinger (which Applicants assert such a one would not), it would not have resulted in the claimed subject matter. Because Immel teaches suspension of an inner casing from a frame and sandwiching of the frame between the inner casing and outer casing, assuming for the sake of argument that the skilled artisan would have combined these teachings, this hypothetical combination would have resulted in an inner casing having two main faces connected by a tubular structure 8, an outer casing having two main faces connected by a support 7 with a vacuum space in between the inner and outer casing, a frame in between the inner and outer casing, and suspension members suspending the inner casing from the frame (not from the outer casing). Thus, to the extent that the skilled artisan would have combined the teachings of Ettlinger and Immel, it would not have resulted in the claimed subject matter because the suspension members would not connect the inner and outer casings to one another.

Because the inner casing of the claimed subject matter is connected to the outer casing by the flexible linking elements, the inner casing is far less susceptible to damage when the outer casing is sharply moved. On the other hand, because the examiner's proposed hypothetical combination of Ettlinger and Immel teachings attempts to avoid the effects of such movements through connection of the inner casing to a frame nestled (without any apparent connection thereto) between the inner and outer casings, the inner casing is far less supported. In comparison to the

claimed subject matter, the inner casing of the hypothetical combination of Ettlinger and Immel suggested by the examiner would likely sustain relatively greater injury thereto when the outer casing is subjected to a sharp movement. Again, this is due to its not being connected to the outer casing like the claimed subject matter.

Thus, for the reasons described above the rejection should be withdrawn.

New Claim 21

Applicants respectfully asserts that new claim 21 is patentable over the art of record because that art fails to disclose the subject matter of claim 11 as discussed in detail above, and because it fails to disclose that the flexible linking elements are mounted in tension between the main face of the outer casing and the main face of the inner casing.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

A Petition for a One Month Extension of Time has been contemporaneously submitted with this Amendment along with the associated fee. Otherwise, it is believed that no other fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

Date: June 16, 2010

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Air Liquide

Application No.: 10/561,291
Amendment dated June 16, 2010
Response to Office Action dated February 16, 2010

Attorney Docket No. Serie 6312

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